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MADRAS LEGISLATIVE COUNCIL DEBATES

THE TWENTY-THIRD SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA.

(17th, 18th and 20th to 24th January 1964.)

Volume LIV (Nos 1 to 7).

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THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 24th January 1964.

The House met in the Council Chamber, *Fort St. George*, at half past ten of the clock, Mr. Chairman (The Hon. Dr. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Burning of the Constitution.

* 1. S.N. Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Home be pleased to state—

(*a*) whether it is fact that the Secretary of the Dravida Munnetra Kazhagam party in Madurai was arrested for burning a copy of Part 17 of the Constitution of India,

(*b*) whether it is a fact that he was arrested after burning copy of Part 17 of the Constitution of India,

(*c*) whether the Police were present at that time; and

(*d*) whether it is a fact that in other parts of the State the people who attempted to burn the Constitution were arrested before they did so?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Minister for Home) : (*a*) *to* (*c*) Yes.

(*d*) Yes. In Madras City, Sri C. N. Annadurai and others were arrested before they actually burnt the Constitution.

DR. A. SREENIVASAN : I would like to know from the Government, Sir, whether they have issued any instructions to their authorities as to what they should do with the various persons who commit the same offence?

THE HON. SRI R. VENKATARAMAN : Normally we do not give instructons in respect of maintenance of law and order. But in this case Government had to issue instructions that Sri C. N. Annadurai should be arrested before he burnt the Constitution.

DR. A. SREENIVASAN : I would like to know from the Government in which order of seriousness will they place—

(1) attempt at burning the Constitution,

(2) witnessing the burning of the Constitution; and

(3) trampling over a piece of paper containing the relevant portion of the Constitution?

THE HON. SRI R. VENKATARAMAN : The hon. Member is referred to the Rules of Procedure of this House. Opinions from the Government cannot be asked.

DR. A. SREENIVASAN : Is it an offence for a Government servant to trample over a piece of paper which contains a section of the Constitution?

THE HON. SRI R. VENKATARAMAN : That again is asking the Government to express an opinion about an offence. If it is an offence, it will be dealt with by the court of law.

DR. A. SREENIVASAN : Have the Government obtained any explanation from those officers some of whom were acting as passive spectators of the offence of trampling over a piece of paper containing the relevant section of the Constitution?

THE HON. SRI R. VENKATARAMAN : The hon. Member is making an allegation. If he puts a specific question stating at which place, who and under what circumstances the trampling of the Constitution took place it will be easy to answer the question. A man may put his foot on a piece of burning paper to put out fire or something and it would not amount to trampling.

DR. A. SREENIVASAN : Is it a fact that a person burning a piece of paper containing the relevant section of the Constitution committing an offence?

THE HON. SRI R. VENKATARAMAN : We have got the Act, Prevention of insult to National Honour Act. If it comes within it, it will be an offence.

DR. A. SREENIVASAN : Is trampling over a piece of paper containing the relevant section of the Constitution a less heinous offence?

THE HON. SRI R. VENKATARAMAN : Again Sir, I would like to point out to the hon. Member he may not ask the Government to answer a question with regard to law.

DR. A. SREENIVASAN : Is politics involved in the matter when the Secretary of the D.M.K. Party was allowed to commit the offence so that he may be booked properly and severe punishment secured?

THE HON. SRI R. VENKATARAMAN : There is no politics involved. Whoever does it, whether he belongs to the D.M.K. Party, the Congress Party or any other party, if it amounts to an insult to the National Flag, to the National Constitution as defined in the Act, then he will be dealt with according to the law.

DR. A. SREENIVASAN : Will it be in order for an officer to witness a murder being committed so that the murderer may be booked properly?

MR. CHAIRMAN : That has no connection with the main question.